

REMARKS/ARGUMENTS

The claims are 1-4 and 8-13 with claims 14-15 having previously been withdrawn by the Examiner from consideration as directed to a non-elected invention. Claim 1 has been amended to incorporate the subject matter of claim 5. Accordingly, claim 5 has been canceled. Reconsideration is expressly requested.

Claims 1, 2, 5 and 8-10 were rejected under 35 U.S.C. 102(b) as being anticipated by or in the alternative, under 35 U.S.C. 103(a) as being obvious over *Hisao JP 08-324676*. The remaining claims were rejected under 35 U.S.C. 103(a) as being unpatentable over *Hisao* alone (claims 3 and 4), or further in view of *Cray et al. U.S. Patent Application Publication No. 2002/0061998* (claims 11 and 12), or *Cray et al. and Masurek et al. U.S. Patent No. 5,650,215* (claim 13). Essentially, the Examiner's position was that *Hisao* discloses the surface protection film recited in the claims except for features which were considered either inherent or disclosed by the secondary references to *Cray et al.* and *Masurek et al.*

This rejection is respectfully traversed.

As set forth in claim 1 as amended, Applicants' invention provides a self-adhesive surface protection film for covering painted sheet metal and high-gloss sheet metal made of aluminum or stainless steel. The surface protection film serves for the temporary protection of such painted sheet metal as well as such high-gloss sheet metal made of aluminum or stainless steel. After application to a surface, Applicants' film can be pulled off without leaving a residue, even from sensitive surfaces, because of the composition of the adhesive layer and properties thereof as set forth in claim 1 as amended.

In order to be used as a surface protection film, the film must be able to be easily pulled off again from the surface, in other words with a low peel force. In claim 1 as amended, the peel force for pulling the surface protection film off has been stated more precisely. The peel values indicated can be adjusted by means of the mixture ratios of the components (polyethylene, polypropylene, styrene block copolymer). Adherence to a peel strength between 0.15 N/cm and 3.5 N/cm is important in order for the film to be used as a surface protection film. The values indicated guarantee sufficient adhesion to the surfaces to be

protected. On the other hand, the surface protection film can also be easily pulled off again from the surface, if the stated values are adhered to, without there being any risk that the film will tear when the film is torn off.

The primary reference to *Hisao* fails to disclose or suggest and in fact does not relate to a self-adhesive surface protection film, but rather to a covering for packaging of electronic components. The film laminate used as a covering in *Hisao* has an outer layer 2 and a sealing layer (sealant 4). The sealing layer 4 is thermally welded onto edge surfaces 5 of the packaging 6, and is connected with the edge surfaces of the packaging by thermally produced sealing seams as is evident, *inter alia*, from the following portions of *Hisao*.

"[0004] [Means for Solving the Problem] This invention is a pocket which stores electronic parts a cover tape which can carry out a heat seal to a carrier tape made from a plastic formed continuously, and this cover tape."

"[0010]...The obtained cover tape was heat sealed with the carrier tape made from polystyrol of 8-mm width after the slit to 5.3-mm width, peel-off intensity and visible light transmissivity were measured...."

The composition of the sealing layer of *Hisao* includes a hydrogen-enriched styrene block copolymer in a mixture with polyethylene or polypropylene. *Hisao* does not describe that the sealing layer demonstrates self-adhesive properties. The sealing layer is thermally connected with a film that forms a packaging 6 only at the edges of the packaging 6. The connection takes place at thermally applied sealing seams. The reference does not give the slightest indication that the covering film has self-adhesive properties and could be used as a surface protection film. All that can be derived from the reference is that the forces for opening the thermally produced sealing seams are influenced by the composition of the cover film, and that the sealing seams can be torn open at peel forces of 10 g/mm to 120 g/mm. The forces required for tearing open the sealing seams are significantly higher than the forces that must be adhered to as recited in Applicants' claim 1 as amended in order for the film to be used as a surface protection film.

Thus, it is respectfully submitted that the Examiner's presumption that the adhesive strength properties recited in claim 1, as amended, is present in the adhesive tape of *Hisao* is

unreasonable as *Hisao* does not relate to a surface protection film but rather relates to a packaging film that is connected thermally, by means of sealing seams, to produce a plastic packaging. It is respectfully submitted that *Hisao et al.* does not give a person skilled in the art any indication of a self-adhesive film. In particular, *Hisao* fails to provide a person skilled in the art with any inspiration to adjust polymer compositions of the film in such a manner that the film can be pulled off from painted metal surfaces or from high-gloss sheet metals made of aluminum or stainless steel at an adhesive force between 0.15 N/cm and 3.5 N/cm. *Hisao* also does not give any indication that such a self-adhesive film can be used and pulled off sensitive surfaces, without leaving any residue.

The remaining references to *Cray et al.* and *Masurek et al.* which have been cited against certain dependent claims have been considered but are believed to be no more relevant. None of these references discloses or suggests a self-adhesive surface protection film for covering painted sheet metal and high-gloss sheet metal made of aluminum or stainless steel wherein the

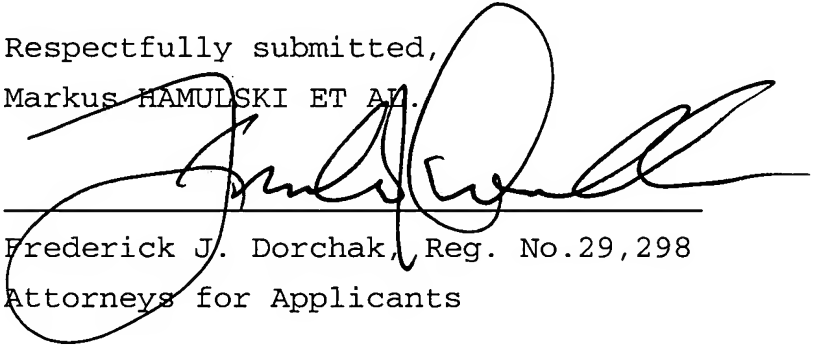
surface protection film has an adhesive strength after storage at room temperature for 24 hours between 0.15 N/cm and 3.5 N/cm.

Accordingly, it is respectfully submitted that claim 1 as amended, together with claims 2-4 and 8-13 which depend directly or indirectly thereon, recite patentable and unobvious subject matter.

In summary, claim 1 has been amended and claim 5 has been canceled. In view of the foregoing, it is respectfully requested that the claims be allowed and that this case be passed to issue.

Respectfully submitted,
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Enclosure: Copy of Petition - 3 month extension of time

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 14, 2008.


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